

**17D02-2210-CT-000048**

DeKalb Superior Court 2

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Clerk

DeKalb County, Indiana

STATE OF INDIANA	)		IN THE DEKALB SUPERIOR COURT
	)	SS:	
COUNTY OF DEKALB	)		CAUSE NO. _____
AMY SCHWEITZER,	)		
	)		
Plaintiff,	)		
	)		
v.	)		
	)		
CITY OF AUBURN,	)		
	)		
Defendant.	)		

### **COMPLAINT**

Plaintiff alleges against Defendant that:

1. The Plaintiff is Amy Schweitzer, a resident of Auburn Indiana who filed an EEOC Charge of Discrimination, No. 470-2022-01636, on or about February 9, 2022, a copy of which is attached hereto, made a part hereof, and incorporated herein as Exhibit "A". Plaintiff also filed a Notice of Tort Claim with the City of Auburn on February 9, 2022, a copy of which is attached hereto as Exhibit "B". Attached as Exhibit "C" is the Notice of Right to Sue issued by the EEOC on August 31, 2022, and this Complaint has been filed within ninety (90) days after receipt thereof.
2. Defendant City of Auburn is a municipality located at 210 E. Ninth Street, P.O. Box 506, Auburn, Indiana 46706.
3. Plaintiff alleges that she was discriminated against on the basis of her sex and that she was retaliated against for opposing Defendant's discriminatory actions based upon her sex, and was terminated out of retaliation, all as set forth in detail in her EEOC Charge of Discrimination (Exhibit "A").

4. Plaintiff also alleges that she was terminated for the illegal reason of refusing an illegal order directed by the Mayor of the City of Auburn (ordering that a dangerously unsafe building located at 121 S. Main Street, Auburn, Indiana 46706 be allowed to remain occupied despite the clear evidence that its structural integrity was compromised and was partially collapsed), as outlined in Plaintiff's Notice of Tort Claim (Exhibit "B"). Plaintiff alleges that she was terminated, in part, as Department Head for the Department of Building, Planning & Development, and because of her duties, which required her to follow the law with respect to providing safe buildings for the health and safety of the people of Auburn Indiana, she opposed an illegal directive which could have caused Plaintiff to suffer personal liability in the event further collapse of the building occurred and human safety was put at risk. Plaintiff also opposed construction of a wall on the building which was allowed without the required permits being applied for, approved, or issued. Plaintiff's termination violates the public policies and tort laws of the State of Indiana which prohibit retaliatory discharge.
5. Plaintiff suffered pecuniary damages as well as compensatory damages as a result of the loss of her job and job-related benefits, and also suffered humiliation, embarrassment, mental anguish, emotional distress, and other damages and injuries.
6. Defendant's actions were intentional and in reckless disregard of Plaintiff's federally protected civil rights.

WHEREFORE, Plaintiff prays for judgment against the Defendant for compensatory damages, pecuniary damages, reasonable attorney's fees and costs, and for all other just and proper relief in the premises.

**JURY DEMAND**

Pursuant to Rule 38 of the Indiana Rules of Trial Procedure, Plaintiff demands a trial by jury in this action.

Respectfully submitted,

**MYERS SMITH WALLACE, LLP**

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